

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOHN F. CARROLL,

Plaintiff,

-against-

9:05-CV-1427  
(LEK/DRH)

PATRICIA CALLANAN, *et al.*,

Defendants.

---

**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation and Order filed on March 14, 2007, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 23).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 23) is **APPROVED** and  
**ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants' Motion to dismiss (Dkt. No. 14) is **GRANTED IN PART** as to all moving Defendants in all respects as to the first, second, third, fourth, fifth, sixth, seventh,

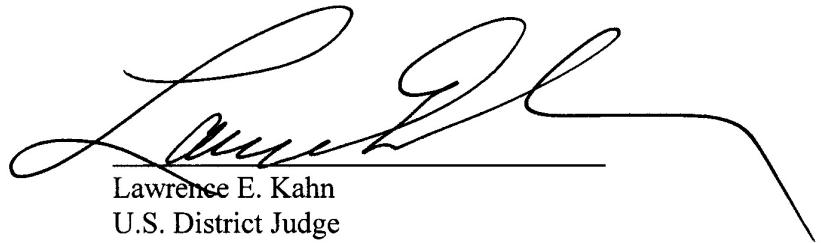
eighth, ninth, eleventh, and sixteenth causes of action; and it is further

**ORDERED**, that Defendants' Motion to dismiss (Dkt. No. 14) is **DENIED IN PART** as to the twelfth, thirteenth, fourteenth, and fifteenth causes of action; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 30, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge